

Please Direct All Correspondence to Customer Number **20995**

NOTICE OF APPEAL

FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

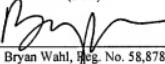
Applicant : Kagan et al.
App. No : 10/698,148
Filed : October 31, 2003
For : APPARATUS AND METHODS FOR
TREATMENT OF MORBID OBESITY
Examiner : Gray, Phillip A
Art Unit : 3767
Conf. : 2819

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Bryan Wahl, Reg. No. 58,878

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 9, 2009 finally rejecting Claims 43-50, 52, 54-61 and 72-73.

The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	1401 (\$270)		\$270
3 Month Extension	1.17(a)(3)	2253 (\$555)		\$555
			TOTAL FEE DUE	\$825

- (X) An extension of time is hereby requested by payment of the appropriate fee indicated above.
- (X) The amount of \$825 will be paid via EFS Web.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: January 11, 2010



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